HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

Writ Petition No.9280 of 2006

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Between:
Smt.Medisetti Satyavathi

...Petitioner

AND

The Government of A.P. rep by its
Director & Inspector General of Police,
Visakhapatnam and 9 others.

...Respondents

::JUDGMENT::

Counsel for the Petitioner: Sri M.V.Rajaram

Counsel for Respondent Nos.1 to 4: The Government Pleader for Home

Counsel for Respondent Nos.5 to 9: None

Dated 27/6/2006

Per Sri G.S.Singhvi, CJ

Faced with the imminent prospects of being hauled in the criminal cases registered against her by the police on the complaints made by the members of public, the petitioner, who appears to be engaged in unauthorized chit business, has invoked jurisdiction of this Court under Article 226 of the Constitution of India for issue of a mandamus to respondent No.1 to protect the lives and property of herself and her family members.

In the affidavit filed in support of the writ petition and rejoinder affidavit, the petitioner has made averment suggesting that she is running private chits and has earned good name in Sabbavaram Town and, on that account, some people have become inimical to her and are threatening her and her family members. In para 3 of her affidavit dated

27-4-2006, the petitioner has averred that the private respondents have connived with the police authorities and are harassing her and her family members. She has further averred that on 19-4-2006, an attempt was made by one Sreeram Venkata Siva Ramarao to assault her daughter but he had to retreat because people of the area intervened. Still further, she has averred that she lodged complaint with the police, but no action has been taken against the assailant. Instead, on a complaint lodged by Sri Sreeram Venkata Siva Ramarao the police registered a case against her. On

23-4-2006, goondas hired by 6th respondent Sri Gandi Satyanarayana damaged household goods worth Rs.2 lakhs and

took away an amount of Rs.20,000/-. According to the petitioner, she represented to the police for registration of criminal case and her son-in-law Sri T. Pola Rao gave telegram to the Chief Justice of A.P. High Court for taking action, but nothing has been done. In the rejoinder affidavit, she has averred that the police authorities are hand in glove with the private respondents and are harassing her and her family members.

In the counter-affidavit filed by Sri J.G. Murali, Superintendent of Police, Visakhapatnam, it has been averred that Crime No.35 of 2006 was registered at Sabbavaram Police Station on the complaint made by Siva Ramarao and the same is being investigated by the Sub-Inspector of Police. Sri Murali has further averred that more than 100 persons majority of whom are rickshaw pullers, petty shopkeepers, labourers, agriculturists and housewives approached him with the complaint that they had deposited their hard earned money with the petitioner and she executed promissory notes, but she has not returned the amount. According to Sri J. G. Murali, the petitioner is said to have swindled an amount of Rs.50 lakhs belonging to poor people and she has invested the same in properties. On the issue of non-registration of case lodged by the petitioner, Sri Murali has averred that the records of the police station do not show that any such complaint was lodged.

We have heard learned counsel for the parties. The petitioner has not denied that she is unauthorisedly running chit business, that she has taken money from people belonging to different categories including rickshaw pullers, petty shopkeepers, labourers, agriculturists, house-wives etc., and that the amount has not been returned by her. She has controverted the assertion of Sri J. G. Murali regarding swindling of Rs.50 lakhs, but there is no denial that she

has not obtained licence/authorization in terms of the Andhra Pradesh Chit Fund Act, 1971 (for short 'the 1971 Act'). It is also borne out from the record that on the complaints lodged by the aggrieved people, two criminal cases were registered against the petitioner in the month of April 2006. One of the cases is under Section 324 read with 34 IPC and the other has been registered under Sections 420, 324 read with Section 34 IPC and Sections 6, 7, 8, 56 (1) and 57 of the 1971 Act.

In the above backdrop, it is reasonable to infer that the petitioner has instituted this petition to counter the criminal complaints made against her by those who appear to have been cheated by her and also with a view to create some evidence, which may ultimately help her in frustrating the criminal proceedings instituted against her. Therefore, we do not find any valid ground or justification to exercise power of this Court under Article 226 of the Constitution of India and issue direction to respondent No.1 to hold enquiry and take steps to protect the petitioner and her family against the so-called threat to their lives and property.

With the above observations, the writ petition is dismissed.

However, liberty is given to the petitioner to lodge complaint with the police. If the complaint is not registered, then she will be free to avail appropriate remedy available under the Code of Criminal Procedure, 1973.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

June 27, 2006.

Svs / ks